PREVAILED	Roll Call No
FAILED	Ayes
WITHDRAWN	Noes
RULED OUT OF ORDER	

## **HOUSE MOTION** \_\_\_\_

## MR. SPEAKER:

I move that House Bill 1703 be amended to read as follows:

1	Page 1, between lines 5 and 6, begin a new paragraph and insert:
2	"(c) As used in this section, "school" means a nonpublic school
3	as defined in IC 20-10.1-1-3.
4	(d) As used in this section, "school corporation" has the
5	meaning set forth in IC 20-10.1-1-1."
6	Page !, line 6, delete "(c)" and insert "(e)".
7	Page 1, line 13, delete "(d)" and insert "(f)".
8	Page 1, line 16, delete "(e)" and insert "(g)".
9	Page 2, line 4, delete "(f)" and insert "(h)".
10	Page 1, line 9, delete "(g)" and insert "(I)".
11	Page 2, delete lines 12 through 21, begin a new paragraph and
12	insert:
13	"(j) A school corporation employee who reasonably believes
14	that a student possesses or has possessed a firearm:
15	(1) in or on school corporation property;
16	(2) in or on property that is being used by a school
17	corporation for a school corporation function; or
18	(3) on a school corporation bus;
19	shall immediately notify the school corporation superintendent or
20	the superintendent's designee. The notification required under this
21	subsection must be in writing.
22	(k) A superintendent or superintendent's designee who
23	receives a written notification under subsection (j) shall
24	immediately notify a law enforcement agency in the county in
25	which the school cornoration is located. The law enforcement

1	agency snan:
2	(1) begin an investigation and cause any appropriate action
3	to be taken under IC 31-37-5-3.4 or IC 31-5-3.7; and
4	(2) report the matter to the prosecuting attorney of the
5	county in which the school corporation is located for further
6	investigation, if appropriate.
7	(l) A school employee who reasonably believes that a student
8	possesses or has possessed a firearm:
9	(1) in or on school property;
10	(2) in or on property that is being used by a school
11	for a school function; or
12	(3) on a school bus;
13	shall immediately notify the school principal or the school
14	principal's designee. The notification required under this
15	subsection must be in writing.
16	(m) A school principal or school principal's designee who
17	receives a written notification under subsection (l) shall
18	immediately notify a law enforcement agency in the county in
19	which the school is located. The law enforcement agency shall:
20	(1) begin an investigation and cause any appropriate action
21	to be taken under IC 31-37-5-3.4 or IC 31-5-3.7; and
22	(2) report the matter to the prosecuting attorney of the
23	county in which the school is located for further
24	investigation, if appropriate."
25	Page 2, line 24, delete "subsection (c)" and insert "section 3.4 or 3.7
26	of this chapter".
27	Page 3, delete lines 1 through 10, begin a new paragraph and
28	insert:
29	"SECTION 3. IC 31-37-5-3.4 IS ADDED TO THE INDIANA
30	CODE AS A NEW SECTION TO READ AS FOLLOWS
31	[EFFECTIVE JULY 1, 1999]: Sec. 3.4. (a) This section applies to a
32	child who is:
33	(1) less than ten (10) years of age; and
34	(2) taken into custody:
35	(A) by a law enforcement officer;
36	(B) without an order of the court; and
37	(C) for possession of a firearm:
38	(I) in or on school property;
39	(ii) in or on property that is being used by a school
40	for a school function; or
41	(iii) on a school bus.
42	(b) A law enforcement officer may release a child described in
43	subsection (a) to the child's parent, guardian, or custodian upon
44	the person's written promise to bring the child before the juvenile
45	court at a time specified. However, the law enforcement officer
46	may place the child in detention if the law enforcement officer
47	reasonably believes that one (1) or more of the conditions of section
48	3(a)(1) through 3(a)(5) of this chapter exist.
49	(c) If a child is detained under subsection (b), the child shall be
50	detained under IC 31-37-7-1.
51	(d) The court shall order a child described in subsection (a) to
52	undergo a psychological evaluation by a licensed physician or

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1	clinical psychologist to assist the court in determining under
2	IC 31-37-6-6(a) if detention of the child is essential to protect the
3	child or the community.
4	(e) The physician or psychologist conducting an evaluation
5	required under subsection (d) shall provide a report of the
6	evaluation to the court before:
7	(1) the detention hearing held under IC 31-37-6, if the child
8	is detained under subsection (b); or
9	(2) the child appears in juvenile court at the time specified
10	upon the child's release, if the child is released under
11	subsection (b).
12	SECTION 4. IC 31-37-5-3.7 IS ADDED TO THE INDIANA
13	CODE AS A <b>NEW</b> SECTION TO READ AS FOLLOWS
14	[EFFECTIVE JULY 1, 1999]: Sec. 3.7. (a) This section applies to a
15	child who is:
16	(1) at least ten (10) years of age; and
17	(2) taken into custody:
18	(A) by a law enforcement officer;
19	(B) without an order of the court; and
20	(C) for possession of a firearm:
21	(I) in or on school property;
22	(ii) in or on property that is being used by a school
23	for a school function; or
24	(iii) on a school bus.
25	(b) A law enforcement officer shall place in detention a child
26	described in subsection (a).
27	(c) A child detained under subsection (b) shall be held in
28	detention until a detention hearing is held under IC 31-37-6.
29	(d) The court shall order a child described in subsection (a) to
30	undergo a psychological evaluation by a licensed physician or
31	clinical psychologist to assist the court in determining under
32	IC 31-37-6-6(a) if detention of the child is essential to protect the
33	child or the community.
34	(e) The physician or psychologist conducting an evaluation
35	required under subsection (d) shall provide a report of the
36	evaluation to the court before the detention hearing.".
37	Page 3, line 13, delete "subsection (c)" and insert "section 5.4 or
38	5.7 of this chapter".
39	Page 3, delete lines 33 through 42, begin a new paragraph and
40	insert:
41	"SECTION 6. IC 31-37-5-5.4 IS ADDED TO THE INDIANA
42	CODE AS A <b>NEW</b> SECTION TO READ AS FOLLOWS
43	[EFFECTIVE JULY 1, 1999]: Sec. 5.4. (a) This section applies to a
14	child who is:
45	(1) less than ten (10) years of age; and
46	(2) taken into custody:
47	(A) by an intake officer;
48	(B) without an order of the court; and
<b>1</b> 9	(C) for possession of a firearm:
50	(I) in or on school property:

1	(ii) in or on property that is being used by a school
2	for a school function; or
3	(iii) on a school bus.
4	(b) An intake officer may release a child described in
5	subsection (a) to the child's parent, guardian, or custodian upon
6	the person's written promise to bring the child before the juvenile
7	court at a time specified. However, the intake officer may place the
8	child in detention if the intake officer reasonably believes that:
9	(1) the child is a delinquent child; and
10	(2) one (1) or more of the conditions of section 5(a)(1)
11	through $5(a)(5)$ of this chapter exist.
12	(c) If a child is detained under subsection (b), the child shall be
13	detained under IC 31-37-7-1.
14	(d) The court shall order a child described in subsection (a) to
15	undergo a psychological evaluation by a licensed physician or
16	clinical psychologist to assist the court in determining under
17	IC 31-37-6-6(a) if detention of the child is essential to protect the
18	child or the community.
19	(e) The physician or psychologist conducting an evaluation
20	required under subsection (d) shall provide a report of the
21	evaluation to the court before:
22	(1) the detention hearing held under IC 31-37-6, if the child
23	is detained under subsection (b); or
24	(2) the child appears in juvenile court at the time specified
25	upon the child's release, if the child is released under
26	subsection (b).
27	SECTION 7. IC 31-37-5-5.7 IS ADDED TO THE INDIANA
28	CODE AS A <b>NEW</b> SECTION TO READ AS FOLLOWS
29	[EFFECTIVE JULY 1, 1999]: Sec. 5.7. (a) This section applies to a
30	child who is:
31	(1) at least ten (10) years of age; and
32	(2) taken into custody:
33	(A) by an intake officer;
34	(B) without an order of the court; and
35	(C) for possession of a firearm:
36	(I) in or on school property;
37	(ii) in or on property that is being used by a school
38	for a school function; or
39	(iii) on a school bus.
40	(b) An intake officer shall place in detention a child described
41	in subsection (a).
42	(c) A child detained under subsection (b) shall be held in
43	detention until a detention hearing is held under IC 31-37-6.
44	(d) The court shall order a child described in subsection (a) to
44	undergo a psychological evaluation by a licensed physician or
45	clinical psychologist to assist the court in determining under
46 47	
	IC 31-37-6-6(a) if detention of the child is essential to protect the
48	child or the community.
49	(e) The physician or psychologist conducting an evaluation
50	required under subsection (d) shall provide a report of the

1	evaluation to the court before the detention hearing.
2	SECTION 8. IC 31-37-6-6 IS AMENDED TO READ AS
3	FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The juvenile
4	court shall release the child on the child's own recognizance or to the
5	child's parent, guardian, or custodian upon the person's written promise
6	to bring the child before the court at a time specified. However, the
7	court may order the child detained if the court finds probable cause to
8	believe the child is a delinquent child and that:
9	(1) the child is unlikely to appear for subsequent proceedings;
10	(2) detention is essential to protect the child or the community;
11	(3) the parent, guardian, or custodian:
12	(A) cannot be located; or
13	(B) is unable or unwilling to take custody of the child; or
14	(4) the child has a reasonable basis for requesting that the child
15	not be released; <b>or</b>
16	(5) the psychological evaluation required under
17	IC 31-37-5-3.4, IC 31-37-5-3.7, IC 31-37-5-5.4, or
18	IC 31-37-5-5.7 has not been completed.
19	(b) If a child is detained for a reason specified in subsection (a)(3)
20	or (a)(4), the child shall be detained under IC 31-37-7-1.
21	(c) If a child is detained under subsection (a)(5), the court
22	shall:
23	(1) grant the physician or psychologist conducting the
24	evaluation an additional period not to exceed forty-eight (48)
25	hours to complete the evaluation; and
26	(2) hold a hearing within forty-eight (48) hours of receiving
27	the report of the evaluation to determine if the child should
28	be detained under subsection (a)(1) through (a)(4).".
	Renumber all SECTIONS consecutively.
	(Reference is to HB 1703 as printed February 16, 1999.)

Representative BEHNING